

Appendix 1

Filed on behalf of: [Name of party]
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SCOTT C. CHAPPEL

Junior Party,

v.

ARTHUR I. SKOULTCHI

Senior Party.

Patent Interference No. 103,737

Judge Adriene L. Hanlon

TITLE OF PAPER
(e.g., CHAPPEL PRELIMINARY MOTION NO. 1)

Attachment
(37 CFR § 1.611(c))

The parties involved in this interference are:

Junior Party

Patentee: SCOTT C. CHAPPEL
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Patent: 07/893,447, filed 05/28/92, now Patent No.
5,272,071, granted 12/21/93

For: METHOD FOR THE MODIFICATION OF THE EXPRESSION
CHARACTERISTICS OF AN ENDOGENOUS GENE OF A
GIVEN CELL LINE

Assignee: Applied Research Systems ARS Holding N.V.
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Associate: None

Accorded Benefit: Application 07/454,783, filed 12/22/89 (ABN)

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(Attachment continued)

Senior Party

Applicant: ARTHUR I. SKOULTCHI
71 North Chatsworth Avenue
Larchmont, New York 10538

Application: 08/102,390, filed 08/05/93

For: PRODUCTION OF PROTEINS USING HOMOLOGOUS
RECOMBINATION

Assignee: None

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Accorded Benefit: Application 07/787,390, filed 11/04/91 (ABN)
Application 07/432,069, filed 11/06/89 (ABN)

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(Attachment continued)

COUNT 1

The mammalian host cell of claim 105 of U.S. patent application serial no. 08/102,390

or

the method of claim 1 of U.S. Patent No. 5,272,071

or

the cell line of claim 18 of U.S. Patent No. 5,272,071.

Claim 105 of U.S. patent application serial no. 08/102,390 reads as follows:

105. A mammalian host cell that expresses a gene product encoded by a target gene which is not normally expressed within the genome of the cell line, said genome having inserted therein a heterologous regulatory sequence operatively associated with the normally non-expressed target gene, so that the mammalian host cell expresses the target gene product.

Claim 1 of U.S. Patent No. 5,272,071 reads as follows:

1. A method of activating a predetermined normally transcriptionally silent gene within the genome of a cell line so as to enable said cell line to express the gene product of said gene, comprising inserting a DNA construct into said genome by homologous recombination, said DNA construct comprising a DNA regulatory segment capable of stimulating expression of said gene when operatively linked thereto and a DNA targeting segment

homologous to a region of said genome within or proximal to said gene, wherein said construct is inserted such that said regulatory segment is operatively linked to said gene of interest.

Claim 18 of U.S. Patent No. 5,272,071 reads as follows:

18. A cell line capable of expressing a gene product by a predetermined normally transcriptionally silent gene within the genome of said cell line, said genome having inserted therein a DNA regulatory segment operatively linked with said normally transcriptionally silent gene, said DNA regulatory segment being capable of promoting the expression of a gene product by said cell line.

(Attachment continued)

The claims of the parties which correspond to Count 1 are:

Chappel: Claims 1, 2, 5, 9-12, 17, 18, 25, 26, 28 and 32-35

Skoultchi: Claims 105, 106

A handwritten signature in cursive script, reading "Adriene Lepiane Hanlon". The signature is written in dark ink and is positioned above a horizontal line.

ADRIENE LEPIANE HANLON
Administrative Patent Judge

cc: Counsel of record for Chappel:

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